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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

MACK SHELBY,

Plaintiff and Respondent,

v.

SEARIVER MARITIME INC.,

Defendant and Appellant.

A122449

(San Francisco County
Super. Ct. No. CGC-06-449350)

**ORDER MODIFYING OPINION
[NO CHANGE IN JUDGMENT]**

THE COURT:

It is ordered that the opinion filed herein on February 18, 2011 be modified as follows.

1. On Page 2, insert the underlined words into this sentence: “Initially, from 1987 to 1991, plaintiff worked as an able-bodied seaman on SeaRiver tankers, including the *Galveston* and the New Orleans, transporting crude oil from Alaska oil fields to California refineries.”
2. On Page 19, insert the underlined words into this sentence: “Finally, Dr. Avery considered the fact that Pollard testified that one of plaintiff’s fellow seamen working with heart-cut reformat on the *Wilmington* also developed kidney cancer.”

3. Page 6, replace the underlined words: “Nonetheless, while working with crude oil on the Galveston between 1987 and 1991, plaintiff recalled receiving no special training on benzene and was not provided with a respirator to use when handling the cargo.”

Replace the above underlined words with “SeaRiver vessels”, so that the sentence now reads:

“Nonetheless, while working with crude oil on SeaRiver vessels between 1987 and 1991, plaintiff recalled receiving no special training on benzene and was not provided with a respirator to use when handling the cargo.”

There is no change in the judgment.

DATE:

McGuiness, P.J.

Justice Jenkins and Justice Margulies* concur.

* Associate Justice of the Court of Appeal, First Appellate District, Division One, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.